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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,677	08/13/2001	Michael Epstein	US 010179	8168

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EXAMINER

TESLOVICH, TAMARA

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/928,677		EPSTEIN, MICHAEL	
	Examiner		Art Unit	
	Tamara Teslovich		2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08.13.01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/14/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08.13.01 10.15.02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly
5 indicative of the invention to which the claims are directed.

The following title is suggested: Watermarking Encoded Meta-Data and Encoded
Content Material.

Claim Rejections - 35 USC § 102

10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
20 of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ram et
al. (US Patent 6,519,700 B1).

25 As per claim 1, Ram discloses an encoding system for adding data to encoded
content material, the encoded content material ("encrypted content") having defined
characteristics, comprising:

a preprocessor that is configured to encode the data to form encoded data ("encrypted rights and permissions segment") that conforms to the defined characteristics of the encoded content material, and

5 a combiner that is configured to combine the encoded content material and the encoded data to form a combined encoded output ("SPD") that conforms to the defined characteristics of the encoded content material (see Ram col.7 lines 45-60; col.8 lines 23-27; col.11 lines 39-46).

As per claim 2, Ram discloses the encoding system of claim 1, further
10 comprising:

a postprocessor that is configured to process an input that is consistent with the defined characteristics of the encoded content material ("customized PDF"), and wherein

the combined encoded output ("generic SPD") is provided as the input to the
15 postprocessor (see Ram col.11 line 57 thru col.12 line 6).

As per claim 3, Ram discloses the encoding system of claim 2, wherein the postprocessor includes a watermarking system (see Ram col.11 lines 41-46).

20 As per claim 4, Ram discloses the encoding system of claim 3, wherein the watermarking system is configured to provide at least one of: a fragile watermark and a

robust watermark, based on the combined encoded output (see Ram col.11 lines 41-46).

As per claim 5, Ram discloses the encoding system of claim 1, wherein the data
5 (“document”) comprises an analog noise signal, and
the preprocessor is configured to receive the analog noise signal (“audio and
video clips” and “any other known manner on a variety of media”) and to produce
therefrom the encoded data as a digital encoding (see Ram col.1 lines 31-38).

10 As per claim 6, Ram discloses the encoding system of claim 5, wherein the
analog noise signal is at least one of: an audio noise and a visual noise (“audio and
video clips” and “any other known manner on a variety of media”) (see Ram col.1 lines
31-38).

15 As per claim 7, Ram discloses the encoding system of claim 1, wherein
the data comprises a digital signal (“digital data”), and
the preprocessor is configured to receive the digital signal, and includes:
a modulator (“pre-renderer”) that converts the digital signal to an analog signal,
and an encoder that processes the analog signal to form the encoded data as a
20 digital encoding (see Ram col.9 lines 35-36, 38-40, 44-48; col.11 lines 34-38).

As per claim 8, Ram discloses the encoding system of claim 7, wherein the encoder is substantially equivalent to a device that provides the encoded content material having the defined characteristics (see Ram col.11 lines 39-41).

5 As per claim 9, Ram discloses the encoding system of claim 8, wherein the encoder comprises at least one of: a CD encoder and a DVD encoder (see Ram col.1 lines 31-38).

(Please note that although Ram fails to specifically mention the term "CD" or "DVD", it makes reference to "audio and video clips" which are "stored as digital data on a storage medium" (see Ram col.1 lines 31-38). Ram also makes mention of resulting "presentation data immediately suitable for display on a video screen or for other use depending on document type" (see Ram col.5 lines 50-54). See also, Stefik et al. (US Patent 5,715,403) incorporated by reference by Ram, for more details involving CD secure distribution systems.)

10

15

As per claim 10, Ram discloses the encoding system of claim 1, wherein the combiner is configured to concatenate the encoded content material and the encoded data to form the combined encoded output ("combine the pre-processed content, the pre-processed rights specification, and an optional watermark") (see Ram col.11 lines 39-41).

20

As per claim 11, Ram discloses the encoding system of claim 1, wherein the encoding system is configured to provide the data, based on a random process (see Ram col.6 lines 34-44).

5 As per claim 12, Ram discloses an encoding method for adding data to encoded content material, the encoded content material ("encrypted content") having defined characteristics, comprising:

preprocessing the data to form encoded data ("encrypted rights and permissions segment") that conforms to the defined characteristics of the encoded content material,

10 and

combining the encoded content material and the encoded data to form a combined encoded output ("SPD") that conforms to the defined characteristics of the encoded content material (see Ram col.7 lines 45-60; col.8 lines 23-27; col.11 lines 39-46).

15

As per claim 13, Ram discloses the encoding method of claim 12, further comprising:

postprocessing the combined encoded output ("generic SPD") via a process that is compatible with the defined characteristics of the encoded content material

20 ("customized PDF") (see Ram col.11 line 57 thru col.12 line 6).

As per claim 14, Ram discloses the encoding method of claim 13, wherein the postprocessing includes watermarking the combined encoded output (see Ram col.11 lines 41-46).

5 As per claim 15, Ram discloses the encoding method of claim 14, wherein the watermarking provides at least one of: a fragile watermark and a robust watermark, based on the combined encoded output (see Ram col.11 lines 41-46).

10 As per claim 16, Ram discloses the encoding method of claim 12, wherein the data ("document") comprises an analog noise signal, and the preprocessing includes receiving the analog noise signal ("audio and video clips" and "any other known manner on a variety of media") and producing therefrom the encoded data as a digital encoding (see Ram col.1 lines 31-38).

15 As per claim 17, Ram discloses the encoding method of claim 16, wherein the analog noise signal is at least one of: an audio noise and a visual noise ("audio and video clips" and "any other known manner on a variety of media") (see Ram col.1 lines 31-38).

20 As per claim 18, Ram discloses the encoding method of claim 12, wherein the data comprises a digital signal ("digital data"), and the preprocessing includes receiving the digital signal, and includes:

modulating ("pre-rendering") the digital signal to form an analog signal, and encoding the analog signal to form the encoded data as a digital encoding (see Ram col.9 lines 35-36, 38-40, 44-48; col.11 lines 34-38).

5 As per claim 19, Ram discloses the encoding method of claim 18, wherein the encoding is substantially equivalent to an encoding process that provides the encoded content material having the defined characteristics (see Ram col.11 lines 39-41).

10 As per claim 20, Ram discloses the encoding method of claim 19, wherein the encoding process corresponds to at least one of: a CD encoding process and a DVD encoding process (see Ram col.1 lines 31-38).

(Please note that although Ram fails to specifically mention the term "CD" or "DVD", it makes reference to "audio and video clips" which are "stored as digital data on a storage medium" (see Ram col.1 lines 31-38). Ram also makes mention of resulting
15 "presentation data immediately suitable for display on a video screen or for other use depending on document type" (see Ram col.5 lines 50-54). See also, Stefik et al. (US Patent 5,715,403) incorporated by reference by Ram, for more details involving CD secure distribution systems.)

20 As per claim 21, Ram discloses the encoding method of claim 12, wherein the combining includes concatenating the encoded content material and the encoded data to form the combined encoded output ("combine the pre-processed content, the pre-

processed rights specification, and an optional watermark") (see Ram col.11 lines 39-41).

As per claim 22, Ram discloses the encoding method of claim 12, further
5 including generating the data based on a random process (see Ram col.6 lines 34-44).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tamara Teslovich whose telephone number is (571)
10 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

15 Information regarding the status of an application may be obtained from the
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20 you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).



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